

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

08-08 MJ A 7-18
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

v.

COMPLAINT FOR VIOLATION OF:

Gustavo MEJIA-Oros,

Title 8, U.S.C., Section 1326

DEPUTY

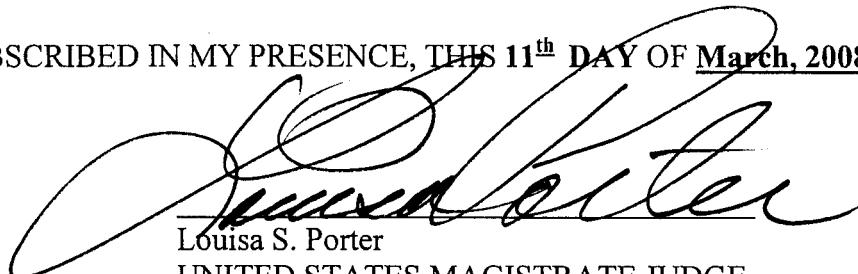
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008** within the Southern District of California, defendant, **Gustavo MEJIA-OROS**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANTJames Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF March, 2008.
Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gustavo MEJIA-Oros

PROBABLE CAUSE STATEMENT

On March 10, 2008 Senior Patrol Agent R. Garcia was assigned line watch operations near the area known as South Grapevine. This area is located approximately four miles west and three miles north of the Tecate, California port of entry. At approximately 6:30 am, Agent Garcia responded to a seismic intrusion device near that area. While arriving near the area, an infrared scope operator advised Agent Garcia of a large group of people making their way north towards Highway 94. Agent Garcia positioned himself north on a trail from the group and waited. As the group came upon Agent Garcia's location he approached them and identified himself as a United States Border Patrol Agent and then conducted an immigration inspection. All 22 individuals including one later identified as the defendant **Gustavo MAJIA-Oros**, freely admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. At approximately 7:00a.m. all 22 subjects including the defendant were arrested and transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 31, 2004** through **Otay Mesa, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.